

**MINUTES OF THE MEETING OF THE JERSEY VILLAGE  
BOARD OF ADJUSTMENT**

August 21, 2014 – 12:00 p.m.

The Board of Adjustment of the City of Jersey Village, Texas, convened on August 21, 2014, at 12:00 p.m. in the Civic Center Meeting Room, 16327 Lakeview, Jersey Village, Texas.

**A. The meeting was called to order by Vice Chairman Thomas Simchak at 12:02 p.m. and the roll of appointed officers was taken. Board Members present were:**

Thomas Simchak, Vice Chairman  
Ken Nguyen, Board Member  
Reza Khalili, Alternate Board Member

Debra Sappington, Board Member  
Joe Pennington, Alternate Board Member

Henry Hermis, Chairman and Robert Cunningham, Board Member were not present.

Council Liaison, Tom Eustace was present.

City Staff in attendance: Courtney Rutherford, Assistant City Secretary; Christian Somers, Building Official; and Deborah Capaccioli-Paul, Engineering Technician.

Director of Public Works, Danny Segundo, was not present at this meeting.

**B. Designate Alternate Members to serve in place of any absent Board Member.**

Vice Chairman Simchak appointed Alternate Board Member No. 1, Joe Pennington, and Alternate Board Member No.2, Reza Khalili, as voting members in the absence of Chairman Hermis and Board Member Cunningham.

**C. Consider approval of the minutes for the meeting held on June 17, 2014.**

Board Member Sappington moved to approve the minutes as presented for the meeting held on June 17, 2014. Alternate Board Member Pennington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Pennington, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

**D. Conduct a public hearing on Dale Temple's application for variance to the Jersey Village Code of Ordinances, Chapter 14, Article IV, Division 1, Section 14-90(2); permitting applicant to exceed the maximum 75 foot height requirement for flag poles by five (5) feet for the property located at 7230 Senate Avenue, Jersey Village, Texas.**

Vice Chairman Simchak called item D and opened the public hearing at 12:03 p.m. concerning Dale Temple's application for variance to the Jersey Village Code of Ordinances, Chapter 14, Article IV, Division 1, Section 14-90(2); permitting applicant to exceed the

maximum 75 foot height requirement for flag poles by five (5) feet for the property located at 7230 Senate Avenue, Jersey Village, Texas.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant have been met.

Mr. Dale Temple was in attendance for the hearing. The Building Official, Christian Somers, gave background information on the request for variance. He stated that a “no fee permit” is required for flag poles to be sure they are installed properly in order to meet wind speed requirements. He then explained that the applicant purchased a used flag pole that is 80 feet tall, which exceeds the 75 foot height requirement allowed.

Mr. Temple explained that he cannot cut the pole down 5 feet due the flag crank. The crank is internal and cutting the pole down would put the crank at ground level and make it inoperable.

There was brief discussion among the Board, Staff, and Mr. Temple regarding the flagpole’s location. Mr. Temple explained that it will be located inside the gate of his property.

With no other party or individual signing up or requesting to speak at this public hearing, Vice Chairman Simchak closed the public hearing at 12:18 p.m.

**E. Discuss with possible action the request of Dale Temple’s application for variance to the Jersey Village Code of Ordinances, Chapter 14, Article IV, Division 1, Section 14-90(2); permitting applicant to exceed the maximum 75 foot height requirement for flag poles by five (5) feet for the property located at 7230 Senate Avenue, Jersey Village, Texas.**

After brief discussion, Board Member Sappington moved to approve the request of Dale Temple, for variance to the Jersey Village Code of Ordinances, Chapter 14, Article IV, Division 1, Section 14-90(2); permitting applicant to exceed the maximum 75 foot height requirement for flag poles by five (5) feet for the property located at 7230 Senate Avenue, Jersey Village, Texas. Board Member Pennington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Pennington, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

*Vice Chairman Simchak called the next items out of order. He called both items F and H together, as follows:*

**F. Conduct a public hearing on T-Mobile’s application, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of Ordinances at Chapter 14, Article V, Sec. 14-134(2); by permitting applicant to install guy wire anchors less than the allowed set back of ten feet from adjacent lots for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway.**

**H. Conduct a public hearing on T-Mobile’s application, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of**

**Ordinances at Chapter 14, Article V, Sec. 14-134(1); by permitting applicant to exceed the tower base set back from adjacent lots or public property or streets by a distance greater than 40 percent of the tower height or by a distance greater than 40 percent of the distance between the tower base and guy wire anchors, for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway.**

Vice Chairman Simchak called items F & H together and opened the public hearings at 12:20 p.m. on:

1. T-Mobile's application, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of Ordinances at Chapter 14, Article V, Sec. 14-134(2); by permitting applicant to install guy wire anchors less than the allowed set back of ten feet from adjacent lots and Chapter 14, Article V, Sec. 14-134(1); and on
2. T-Mobile's application, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of Ordinances at Chapter 14, Article V, Sec. 14-134(1); by permitting applicant to exceed the tower base set back from adjacent lots or public property or streets by a distance greater than 40 percent of the tower height or by a distance greater than 40 percent of the distance between the tower base and guy wire anchors, for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway.

Board Secretary Courtney Rutherford stated for the record that all notification requirements for both the City and the applicant have been met for both of these public hearings.

Mr. Lou Garcia and Mr. Doug Henderson, both from T-Mobile, were in attendance for the hearings. The Building Official, Christian Somers, gave background information on the requests for variance. He explained that during an electrical inspection, which was red tagged because the applicant covered the electrical work, he noticed that the guy wires were installed 9 feet from the west lot line instead of 10 feet, but he has not received any complaints. He also stated that the tower base is located too close to the interior lot line. The tower has the potential to be raised to 100 feet; therefore it needs to be 40 feet from the interior lot line.

Mr. Henderson explained that this tower is a temporary tower and this is a test site. He explained that this area has been identified for dropped 911 calls and part of their FCC license requirement is to meet the 911 parameters. This temporary tower will be used at several different heights, not exceed 100 feet, to determine the best height for maximum coverage. They do intend to install a permanent tower here after gathering the test information. He also stated that they do not have a time frame for the installation of the permanent tower, but the test period is usually 18-24 months.

The Board questioned if a permit was required for this tower. Mr. Somers explained that permits were obtained, but the tower was not installed per the approved plans. He also stated that it cannot be moved, because it will interfere with the entrance gate used by 18-wheelers at Oceaneering.

The Board suggested moving the guy wires since they are only off by one foot. Mr. Somers explained that moving the guy wires would require new engineering and only one of the three guy wires is not in compliance.

With no other party or individual signing up or requesting to speak at these public hearings, Vice Chairman Simchak closed the public hearings at 12:52 p.m.

*In completing the public hearings, Vice Chairman Simchak called the remaining items on the agenda, as follows:*

**G. Discuss with possible action the request of T-Mobile, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of Ordinances at Chapter 14, Article V, Sec. 14-134(2); by permitting applicant to install guy wire anchors less than the allowed set back of ten feet from adjacent lots for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway.**

After limited discussion, Board Member Sappington moved to approve the request of T-Mobile, for variance to the Jersey Village Code of Ordinances, Chapter 14, Article V, Sec. 14-134(2); by permitting the applicant to install guy wire anchors less than the allowed set back of ten feet from adjacent lots and that the existing red tag be brought into compliance and scheduled for re-inspection within one week for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway. Board Member Nguyen seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Pennington, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

**I. Discuss with possible action the request of T-Mobile, filed on behalf of property owner Oceaneering International Inc., requesting a variance to the Jersey Village Code of Ordinances at Chapter 14, Article V, Sec. 14-134(1); by permitting applicant to exceed the tower base set back from adjacent lots or public property or streets by a distance greater than 40 percent of the tower height or by a distance greater than 40 percent of the distance between the tower base and guy wire anchors, for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway.**

Board Member Sappington moved to approve the request of T-Mobile, for variance to the Jersey Village Code of Ordinances, Chapter 14, Article V, Sec. 14-134(1); by permitting the applicant exceed the tower base set back from adjacent lots or public property or streets by a distance greater than 40 percent of the tower height or by a distance greater than 40 percent of the distance between the tower base and guy wire anchors, contingent that the temporary testing cease by March 1, 2016 and in conjunction with the application for the permanent tower the existing tower be removed and the existing red tag be brought into compliance and scheduled for re-inspection within one week for the property located at 11802 FM 529, Ransom Acreage/Spencer Highway. Board Member Pennington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Pennington, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried.

**K. Adjournment**

With no additional business, Vice Chair Simchak moved to adjourn the meeting. Board Member Sappington seconded the motion. The vote follows:

Ayes: Board Members Sappington, Nguyen, Pennington, and Khalili  
Vice Chairman Simchak

Nays: None

The motion carried and the meeting adjourned at 1:00 p.m.

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Courtney Rutherford, Assistant City Secretary